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A TREATISE ON THE INCOME TAX UNDER THE ACT OF 1894.

By ROGER FOSTER, Author of Foster's Federal Judiciary Act, and EVERETT V. ABBOTT, Lecturer at the Metropolis Law School; both of the New York Bar. Boston: The Boston Book Company. 1895.

This is the most complete and able work on the subject among a number which have been announced, and in the event of the act being sustained will doubtless recommend itself for constant reference. A short history of the Income Tax, which forms the burden of the first chapter is a most fitting introduction to the proper consideration of the subject. The constitutional objections form the subject of Chapter II, and while these will be but of theoretical interest to the practitioner, they undoubtedly are entitled to consideration in a comprehensive treatise like this: The Incidence of the Tax; Income Subject to Tax; Returns and Assessments; Payment; Collection and Remedies of the Taxpayer represent the remaining sub-divisions carefully and exhaustively treated of.

In Part second one hundred pages are devoted to the text of the act, annotated by sections. The appendix contains the text of previous income tax laws from that of August 5, 1861, down to and including the Act of August 28, 1894; the joint resolution of February 19, 1895, extending time to file returns; Regulations of the Treasury Department; a full report of the case of *Moore v. Miller*, decided January 23, 1895; and a table of cases cited in the book.

The index, while not particularly full or elaborate, would seem to be adequate to put the reader on notice and aid his reference to any desired subject.

The learned authors, as they have stated in their preface, have wisely "abstained from expressing any opinion upon the economical merits or constitutionality of the act," while presenting a summary of the arguments which may be used on either side of the principal constitutional objections. If the act is sustained by the Supreme Court, the constitutional aspect will be eliminated; but as an economic measure it is likely to be for some time a live question, and it is well

that all thoughtful citizens should study the question in all its bearings. The right of the sovereignty to tax anything is the most essential attribute of that sovereignty, and its limitations are only to be found in the organic law and the wisdom of enlarging such limitations beyond the strict letter of the constitution may be gravely questioned. The wisdom of any income tax or any particular measure is always open to challenge and consideration, but when a valid act becomes law there can be no doubt that loyalty and good citizenship demand the most scrupulous obedience irrespective of individual opinion as to the merits of any particular measure.

The history of income tax legislation above referred to is of great value as an aid in reaching a conclusion as to the wisdom of any act as an economic measure, and as influencing the stand which a citizen may assume relative to advocacy of a repeal.

The brief chapter on this aspect of the question is, therefore, a valuable contribution to the literature of the subject. The notes to this chapter are also of use as a bibliography on Income Tax Legislation, to those who desire to pursue this subject. On this point attention may be called to a thoughtful article on the "Taxing Power of the United States," by James J. Hamilton, of Scranton, Pa., *Albany Law Journal*, Vol. 51, p. 200.

EDW. P. ALLINSON.